

R e m a r k s

After careful consideration of the outstanding Office Action, this application has been amended accordingly, and favorable reconsideration and allowance is herewith respectfully requested.

Claim 10 remains the only independent claim of record and in the outstanding Office Action the same was "rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuyama (JP 11299519) in view of Russell (4022261)." The primary patent to Matsuyama fairly discloses that specified by the Examiner, namely, "a carrying case with an outer shell from transparent and an inner shell of soft plastic material." The latter lacks that which the Examiner notes is taught by Russell, namely, "a sheet with illustration inside a luggage via a punch cut 92." Thus the teachings of the latter two patents in their entireties or as a whole admittedly render obvious claim 10 as originally presented.

However, by this Amendment claim 10 has been amended to avoid the latter-quoted rejection, the remaining rejections of record, and all prior art patents presently of record. As is readily apparent from a careful reading of claim 10, the inner shell (8) is now recited as including "an inverted substantially U-shaped punched cut (9) for inserting the sheet (10) into the space." Obviously, the inverted substantially U-shaped punched cut (9) provides ease of insertion/accessibility into the space between the two case shells which is clearly unprovided for by the patent to Russell. In Figure 3 of the patent to Russell a sheet 100 is shown partially inserted into a pocket 46 through a spread linear upper horizontal cut or slit 92. Obviously, the single cut defines at best a very narrow slot when the edges are spread and when the edges are spread, the length of the slot is foreshortened. Thus, a sheet

of the same length as the punch cut/slot 92 cannot be readily inserted into the foreshortened single slot 92 of if the slot is not opened or foreshortened during insertion of the sheet, obviously, the insertion is extremely difficult. However, the latter problem is totally avoided in Applicant's unobvious shape of the punched cut (9) of a generally or substantially **inverted** U-shape which forms a "flap" or the like defining a large access opening into which the sheet 10 can be readily inserted. Thus, a relatively large opening is provided by the inverted substantially U-shaped punched cut (9), which in addition to ease of access also maintains the supporting surface (6) connected to the inner shell (8) along the substantially straight edge (11). The latter combination of a generally inverted U-shaped punched cut (9) and a substantially straight edge (11) which maintains the supporting surface (6) connected to the inner shell (8) finds no counterpart in the prior art, including the latter two applied patents and the patent to MacGregor (4,243,340).

Though the Examiner made reference to the patent to MacGregor in the rejection of claims 10 through 14 and 17, the punch cuts 14" through 21" mentioned by the Examiner and illustrated in Figure 2 are clearly not inverted "substantially U-shaped punch cuts and thus by the very nature thereof preclude ease of insertion from above and downwardly, as is provided by Applicant's utilization of "an inverted substantially U-shaped punched cut (9)." (See Figure 1.)

There is also absolutely no motivation for changing the orientation of the MacGregor punch cuts 14" through 21" and to do so would obviously run contrary to the very teaching of this patent. Hence, a person skilled in the art recognizing the desirability of utilizing U-shaped punch cuts, such as at

92 in the MacGegor patent would not be fairly suggested thereby to invert the same absent hindsight referral to Applicant's disclosure. Accordingly, amended claim 10, as now set forth herein, is urged to patentably distinguish over any and all of the patents applied and cited by the Examiner.

In view of the foregoing, the formal allowance of claim 10 and each of the claims depending directly or indirectly therefrom is believed proper and would be most appreciated.

The undersigned has made a bonafide effort to place this application in condition for allowance. Accordingly, should the Examiner contemplate any other action than that of allowing all of the claims of record, he is requested to telephone the undersigned in order that a personal interview might be conducted with the Examiner. The undersigned will make every effort to accommodate whatever might be the Examiner's scheduling.

Barring a personal interview, which hopefully will be unnecessary because of the unobvious nature of the invention recited in independent claim 10, the formal allowance of this application at an early date is herewith once again respectfully requested.

Very respectfully,

DILLER, RAMIK & WIGHT

By:


Vincent L. Ramik, Reg. 20,663

Merion Square Suite 101
7345 McWhorter Place
Annandale, Virginia 22003
(703) 642-5705 - telephone
(703) 642-2117 - fax
drwpatentlaw@aol.com